

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Case No. S-2549

PETITION OF SCOTT AND MARSHA KAUFMAN

OPINION OF THE BOARD

(Public Hearing Date)

(Effective Date of Opinion: June 17, 2003)

Case No. S-2545 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment.

The subject property is Lot 33, Sunnymeade Subdivision, located at 2500 Brighton Dam Road, Brookeville, Maryland, in the RC Zone, (Tax Account No. 03043632).

Pursuant to the authority in Section 59-A-4.125 of the Montgomery County Code, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing on the application. The Hearing Examiner held a public hearing on January 6, 2003, and issued a written Report and Recommendation March 26, 2003.

Decision of the Board: Special exception **granted** subject
to conditions enumerated below.

At its Worksession on April 16, 2003, the Board of Appeals voted to adopt the Hearing Examiner's Report and Recommendation and approve the special exception subject to the following conditions:

1. The Petitioners shall be bound by their testimony and exhibits of record, including but not limited to Exhibit Nos. 3, 5 and 6, to the extent that such testimony and evidence are identified in the Board's Opinion granting the special exception.

2. The Petitioners must install a stove as specified in the inspection report submitted by Daniel McHugh, Housing Code Inspector, Department of Housing and Community Affairs [Exhibit No. 11].

3. The Petitioners must reside at the subject property and can receive compensation for only one dwelling unit.

4. Based upon the square footage of the accessory apartment and the provisions of the Montgomery County Housing Code, occupancy of the accessory apartment is limited to no more than two unrelated persons or a family of four persons related by blood, marriage or adoption.

On a motion by Allison Ishihara Fultz, seconded by Angelo M. Caputo with Donna L. Barron, Louise L. Mayer, and Donald H. Spence, Jr., Chairman in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 17th day of June, 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

